

HONORABLE ROBERT S. LASNIK
Trial Date: November 5, 2018

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

ALICE MIKELSEN, Surviving Spouse, and
SUSAN PAGE, as Personal Representative of
the Estate of ARTHUR MELVIN MIKELSEN,

Plaintiffs,

v.

AIR & LIQUID SYSTEMS CORPORATION,
et al.,

Defendants.

NO. 2:17-cv-00700-RSL

STIPULATION AND ~~[PROPOSED]~~
ORDER TO EXTEND DEADLINE

*NOTED ON MOTION CALENDAR:
OCTOBER 9, 2018*

STIPULATION

Under LCR 16(b)(4) Plaintiffs and Defendant Warren Pumps, LLC jointly stipulate and move the Court to enter an Order continuing the deadline to file motions in limine from October 8, 2018 to October 10, 2018. The parties intend to call the Court the morning of October 9, 2018 to discuss the case schedule and trial date.

Plaintiffs filed their Complaint on December 16, 2016 against fifteen defendants. (ECF 1 and 2). The matter was later removed to federal court. *Id.* Plaintiffs claim damages arising from Arthur Mikelsen's mesothelioma and death, which Plaintiffs claim was caused by his exposure to asbestos while working at Puget Sound Naval Shipyard, from which Mr. Mikelsen retired in 1980.

1 See *id.* Plaintiffs filed motions for partial summary judgment (ECF 86), and Defendant Warren
 2 filed a motion for summary judgment (ECF 87). Under the Court's pre-trial order, motions in
 3 limine are due on October 8, 2018. ECF 95.

4 A Court can modify the schedule if the parties show good cause. Fed.R.Civ.P. 16(b)(4) ("A
 5 schedule may be modified only for good cause and with the judge's consent."). Rule 16(b)'s "good
 6 cause" standard primarily considers the diligence of the party seeking the modification. The district
 7 court may modify the pretrial schedule "if it cannot reasonably be met with the diligence of the
 8 party seeking the extension." *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th
 9 Cir.1992). See also *Zivkovic v. S. Cal. Edison Co.*, 302 F.3d 1080, 1087–88 (9th Cir.2002) (where
 10 plaintiff failed to "demonstrate diligence in complying with the dates set by the district court,"
 11 good cause was not shown)., "[a] schedule may be modified only for good cause and with the
 12 judge's consent." FRCP 16(b)(4).

13 Good cause exists here. Both Plaintiffs and Defendant Warren Pumps, LLC's motions for
 14 summary judgment are under review by the court. Resolution of those motions will impact what
 15 motions in limine the parties file. Also, given conflicts with the existing November 5, 2018 trial
 16 date, the parties believe that it would be worthwhile to discuss the case schedule with the Court on
 17 October 9, before additional pre-trial filings are due.

18 Dated this 8th day of October, 2018.

19
 20 SCHROETER GOLDMARK & BENDER

21 s/ Lucas Garrett

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ORDER

Based on the foregoing stipulation, the deadline for filing motions in limine is continued to October 10, 2018.

DATED this 9th day of Oct., 2018.

MA S Lasnik
HONORABLE ROBERT S. LASNIK
UNITED STATES DISTRICT JUDGE

PRESENTED BY:

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s/Allen Eraut

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